IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 7 of 2005

SAMPATLAL HASTIMAL
V/S
RAJENDRA KUMAR

Mr. KC SAMDARIYA, for the appellant / petitioner

Mr. JP JOSHI(CAVEATOR), for the respondent

Date of Order : 24.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Learned counsel for the appellant seeks to withdraw the appeal. The same is, therefore, dismissed as withdrawn.

However, with the consciencious of the learned counsel for the parties, the appellant is granted time to vacate the premises on or before 30.9.2006 with the condition that the defendant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession of the suit premises to the plaintiff, and that during this period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the appellant in the trial court within one month from today, and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellant fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

/Srawat/